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PATENT
Attorney Docket No.: 70406/2-CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Bartone et al. EXAMINER: Not Yet Assigned
SERIAL NO.: 10/682,176 GROUP ART UNIT: 2858
FILED: October 9, 2003 CONFIRMATION NO.: 7312
FOR: *SYSTEM AND METHOD FOR MONITORING
AND CONTROLLING ENERGY USAGE*

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

By: *Marilyn R. Bogus* *March 12, 2004*
Marilyn R. Bogus Date

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. X **Submitted herewith is a legible copy of (i) each *U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.**

*** Waiver**

The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. *See* 37 CFR 1.491(b).

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- a. X **Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).**
- b. _____ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. _____ The following additional information is provided for the Examiner's consideration:

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)

(check one box)

- a. _____ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. _____ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. X **before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required.** In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):

(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. _____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

or

- b. X **See the certification below. No fee is required.**

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. _____ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. _____ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. _____ some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

_____ please charge Deposit Account No. 50-0369 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

 X **No fee is required.**

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.704(d) (PATENT TERM
ADJUSTMENT)

Applies to original applications (other than design) filed on or after May 29, 2000

- a. Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- b. X **Enclosed herewith is form PTO-1449.**
- c. Copies of cited references are enclosed.
- d. Copies of cited references are enclosed except those entered in prior application filed on to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- e. The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

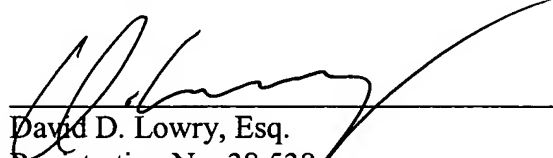
Application No.: 10/682,176
Filed: October 9, 2003
Group Art Unit: 2858

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 50-0369.

Date:

3/12/04

Respectfully submitted,



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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT				ATTY DOCKET NO. 70406/2-CON		SERIAL NO. 10/682,176	
				APPLICANT(S): Bartone et al.			
				FILING DATE: October 9, 2003		ART UNIT: 2858	
UNITED STATES PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUB CLASS	FIL. DATE IF APPR
.	AA	4,425,628	01/10/1984	Bedard et al.	364	900	
.	AB	4,749,992	06/07/1988	Fitzemeyer et al.	340	870.02	
.	AC	5,216,623	06/01/1993	Barrett et al.	364	550	
	AD	5,500,561	03/19/1996	Wilhelm	307	64	
	AE	5,576,700	11/19/1996	Davis et al.	340	825.16	
	AF	5,621,654	04/15/1997	Cohen et al.	364	493	
	AG	5,696,695	12/09/1997	Ehlers et al.	364	492	
	AH	5,818,725	10/06/1998	McNamara et al.	364	483	
	AI	6,088,659	07/11/2000	Kelley et al.	702	62	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN Y/N
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)							
Examiner:				Date:			